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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/671,421 | 09/25/2003 | David Whitaker | 10587 | 5817 |

7590 02/08/2005

National IP Rights Center, LLC
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| EXAMINER |
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LEGESSE, NINI F

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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,421

Applicant(s)

WHITAKER, DAVID

Examiner

Nini F. Legesse

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14 and 15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's response to the last office action is acknowledged on 11/01/04.

Information Disclosure Statement

The information disclosure statement filed 07/07/04 has not been considered because the listed references are not related to the instant invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hansburg (US Patent No. 3,604,711) in view of Pischette (US Patent No. Des 378,279).

With respect to claim 14, Hansburg discloses the use of a putting guide (18) that is used for practicing putting. The putting aid (18) is placed parallel to a putting line (the putting line is considered as the location line wherein the ball and the putter are located as shown on Fig. 1). Hansburg shows a golfer putting from a point in relation to his putting aid (18) and a hole (21) and he states that his putting aid (18) is a tape (see column 1, line 35) but he fails to explicitly state that his tape has numerical mark. However, Pischette discloses a golf measuring apparatus with numerical marks (see

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Figs. 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide numerical marks on the Hansburg's tape in order to know how far the distance is between the ball and the hole so that the golfer could estimate how much force he would need to exert on his golf swing for the golf ball to roll in to the targeted hole. With respect to the step of advancing to a subsequent numerical markings on the putting aid and putting from the subsequent numerical marking on the putting aid, it is very well known in the art that when putting, the golf ball may fall short of the hole which would require additional putting from subsequent markings. It would have been obvious to one of ordinary skill in the art at the time the invention was made to practice putting at different distances away from the hole because ones target orientation and interaction with the target is the single most important criteria for any developing golfer.

With respect to claim 15, a golfer's ability to strike a ball with the club head so that it could roll surely and truly to the target is only enhanced by repeatedly practicing his putting technique. It would have been obvious to one of ordinary skill in the art at the time the invention was made to putt from a first distance to a subsequent distance for any number of times, including three times, from different locations because in order for a golfer to have a better chance to produce the proper speed and direction necessary for each specific shot, he has to practice his putt several times at different location to be able to roll the ball into the hole.

Response to Arguments

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hansburg discloses a putting aid (18) wherein the putting aid is a tape (see column 1, line 35). However, Hansburg fails to explicitly state if the tape has numerical mark. It is very well known that tapes has numerical mark and the Pischette's reference is used in the office action to teach that a tape with a numerical marking is old in the art. And with respect to the method steps of the claims, it would have been obvious to one of ordinary skill in the art at the time the invention was made to practice putting at different distances away from the hole because ones target orientation and interaction with the target is the single most important criteria for any developing golfer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NFL

02/03/05


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700